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असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 8th February, 2021: —

Bill No. VI of 2021

*A Bill further to amend the National Capital Territory of Delhi Laws
(Special Provisions) Second Act, 2011.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India
as follows:—

1. (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2021. Short title and commencement.

(2) It shall be deemed to have been come into force on the 29th day of December, 2020.

20 of 2011. 2. In the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 (hereinafter referred to as the principal Act), in the long title, for the words, figures and letters “for a further period up to the 31st day of December, 2020”, the words, figures and letters “for a further period up to the 31st day of December, 2023” shall be substituted. Amendment of long title.

Amendment of
Preamble.

3. In the principal Act, in the Preamble,—

(a) for fourth paragraph to eighth paragraph, the following paragraphs shall be substituted, namely:—

“AND WHEREAS the exercise to formulate the Master Plan for Delhi with the perspective for the year 2041 is under progress;

AND WHEREAS the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019 was enacted to recognise and confer rights of ownership or transfer or mortgage to the residents of unauthorised colonies as onetime special measure; 45 of 2019.

AND WHEREAS in supersession of the Regulations for Regularisation of Unauthorised Colonies in Delhi notified on 24th March, 2008, the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 notified in the Gazette of India on 29th October, 2019;

AND WHEREAS the process of conferring the ownership rights to the residents of unauthorised colonies and the finalisation of the Development Control Norms for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 is under progress and will take time;

AND WHEREAS based on the policy finalised by the Central Government regarding village *abadi* area and their extensions, the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village *Abadis*, have been made by the Delhi Development Authority under sub-section (1) of section 57 of the Delhi Development Act, 1957 notified in the Gazette of India *vide* S.O. 97(E), dated the 17th January, 2011; 61 of 1957.

AND WHEREAS more time is required for completion of action envisaged for unauthorised colonies, village *abadi* area and their extensions and special areas;”;

(b) for eleventh paragraph, the following paragraph shall be substituted, namely:—

“AND WHEREAS the revised policy regarding farm houses is being prepared by the Delhi Development Authority and its finalisation is likely to take more time;”;

(c) in twelfth paragraph, for the words and figures “the Master Plan for Delhi, 2021”, the words “the Master Plan” shall be substituted;

(d) after thirteenth paragraph, the following paragraph shall be inserted, namely:—

“AND WHEREAS the policy with respect to the norms for godown clusters existing in non-conforming areas has been notified by the Central Government on 21st June, 2018;”;

(e) in twenty-first paragraph,—

(i) for the words and figures “the Master Plan for Delhi, 2021”, the words “the Master Plan” shall be substituted;

(ii) for the words, figures and letters “the 31st day of December, 2020”, the words, figures and letters “the 31st day of December, 2023” shall be substituted.

4. In the principal Act, in section 1, in sub-section (4), in the opening portion, for the words, figures and letters "It shall cease to have effect on the 31st day of December, 2020", the words, figures and letters "It shall cease to have effect on the 31st day of December, 2023" shall be substituted.

Amendment
of section 1.

5. In the principal Act, in section 2, in sub-section (1), for clause (e), the following clause shall be substituted, namely:—

Amendment
of section 2.

61 of 1957.

'(e) "Master Plan" means the Master Plan for Delhi as notified under the Delhi Development Act, 1957;'

6. In the principal Act, in section 3,—

Amendment
of section 3.

(a) in sub-section (1),—

(i) in clause (a), for the words and figures "the Master Plan for Delhi, 2021", the words "the Master Plan" shall be substituted;

(ii) for clause (c), the following clause shall be substituted, namely:—

45 of 2019.

"(c) orderly arrangements in accordance with the provisions of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019, the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 and the regulations for village *abadi* area (including urban villages) and their extensions as per the following cut-off dates:—

(i) for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019;

(ii) for village *abadi* area (including urban villages) and their extensions as existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to 1st day of June, 2014;";

(b) in sub-section (2), for clause (ii), the following clause shall be substituted, namely:—

"(ii) in respect of unauthorised colonies identified under the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019, in respect of village *abadi* area (including urban villages) and their extensions, which existed on the 31st day of March, 2002, and in aforesaid categories, where construction took place up to 1st day of June, 2014, as mentioned in sub-section (1);";

(c) in sub-section (3), for the words, figures and letters "till the 31st day of December, 2020", the words, figures and letters "till the 31st day of December, 2023" shall be substituted;

(d) in sub-section (4), for the words, figures and letters "at any time before the 31st day of December, 2020", the words, figures and letters "at any time before the 31st day of December, 2023" shall be substituted.

Repeal and
saving.

7. (1) The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Ordinance, 2020 is hereby repealed.

Ord.15 of
2020.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The National Capital Territory of Delhi has been growing phenomenally over the last many years, putting a heavy strain on its infrastructure and resources and *inter alia*, leading to an ever-increasing demand for housing, commercial space and other civic amenities. This has resulted in the problems of encroachment on public land, growth of slums, unauthorised constructions, commercial usage of residential areas, inadequacy of housing stocks, etc.

2. In order to protect certain forms of unauthorised developments in Delhi from punitive action, The Delhi Laws (Special Provisions) Act, 2006 was enacted on 19th May, 2006, initially for a period of one year. This protection to various forms of unauthorised developments in Delhi has continued thereafter, through Ordinances and Acts enacted from time to time.

3. In the year 2011, a comprehensive legislation namely, the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 was enacted, which was valid for a period of three years up to 31st December, 2014. The validity of this Act was extended up to 31st December, 2017, *vide* the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014. The validity was further extended up to 31st December, 2020, *vide* the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2017. While doing so, the provisions for street vendors in the Act of 2011 were omitted as adequate provisions had been made for this category in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

4. As per the provisions of the Act of 2011, orderly arrangements had to be made for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhopri* clusters; unauthorised colonies, village *abadi* area and their extensions; farm houses involving construction beyond permissible building limits; schools, dispensaries, religious and cultural institutions, storages, warehouses and godowns built on agricultural land, redevelopment of existing godown clusters, special areas and policy or plan for orderly arrangement for all other areas of the National Capital Territory of Delhi in consonance with the Master Plan on its review.

5. After the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2017 came into force, the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019, have been notified in the Gazette of India on 29th October, 2019 and the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019 has been enacted to confer ownership rights to the residents of Unauthorised Colonies. The regulations for godown clusters have been notified in the Gazette of India on 21st June, 2018 and are under implementation. These developments are being included appropriately in the Act of 2011 alongwith the fact of preparation of Master Plan for Delhi-2041. The definition of Master Plan is also being modified to include the Master Plan for Delhi as notified under the Delhi Development Act, 1957. The Delhi Urban Shelter Improvement Board Act, 2010, which deals with the *Jhuggi-Jhopri* clusters is in the process of amendment to bring it in consonance with the provisions of Act of 2011 in so far as date of existence of these clusters is concerned. Similarly, action envisaged for farm houses, special areas and all other areas of the National Capital Territory of Delhi is under consideration and will take some more time to complete.

6. The Act of 2011 was valid till 31st December, 2020 and it was necessary to continue the protection of those unauthorised developments where adequate measures were yet to be taken. As the Parliament was not in session and there was an immediate need for legislation in this regard, the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Ordinance, 2020 (Ordinance No. 15 of 2020) was promulgated by the

President of India on the 29th day of December, 2020 under clause (1) of article 123 of the Constitution.

7. The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Bill, 2021 which seeks to replace the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Ordinance, 2020 (Ordinance No. 15 of 2020) provides for extension of the validity of the Act of 2011 for a period of three years from 1st January, 2021 to 31st December, 2023.

8. The Bill seeks to replace the aforesaid Ordinance.

HARDEEP SINGH PURI.

DESH DEEPAK VERMA,
Secretary-General.